

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

J & J SNACK FOODS HANDHELDS CORP.

And

Case 19-CA-126632, 127401, 127413,
127689, 134279

TEAMSTERS NO. 839

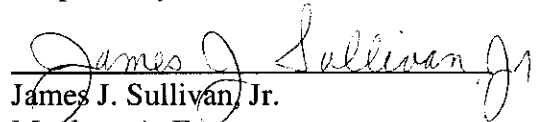
**RESPONDENT J&J SNACK FOOD HANDHELDS CORP.'S EXCEPTIONS TO
ADMINISTRATIVE LAW JUDGE DECISION**

Pursuant to Section 102.46 of the National Labor Relations Board's Rules and Regulations, Respondent, J&J Snack Food Handheld Corp., by and through its undersigned counsel, hereby files the following exceptions to the ALJ's March 13, 2015 decisions:

1. Respondent excepts to the ALJ's finding that J&J violated Section 8(a)(1) and 8(a)(5) of the Act by banning Teamsters Local 839 ("Union" or "Local 839") Representative Richard Davies from J&J's Weston, Oregon facility ("Facility"), failing to recognize Mr. Davies as the Union's representative and telling J&J employees that Mr. Davies was not allowed on the premises. See ALJ Decision, pg. 15:14-20:16.
2. The ALJ's decision was in error because J&J presented persuasive evidence that presence of Mr. Davies, particularly because of his harassing, discriminatory, and unprofessional behavior, created ill will that made good faith bargaining impossible. See Respondent's Brief in Support of Exceptions, pg. 7-11.
3. Respondent excepts to the ALJ's finding that J&J violated Section 8(a)(1) and 8(a)(5) of the Act by ceasing its practice of providing cooked quality assurance ("QA") food samples in the cafeteria without bargaining. See ALJ Decision, pg. 23:22-25:34.

4. The ALJ's decision was in error because 1) no duty to bargain arose as the decision to suspend the provision of Q&A samples did not constitute a material, substantial and significant change; 2) no enforceable unbroken past practice existed; and 3) the change was necessitated by law, specifically USDA regulations that prohibit the sale of food outside a facility. See Respondent's Brief in Support of Exceptions, pg. 11-14.
5. Respondent excepts to the ALJ's finding that J&J violated Section 8(a)(1) and 8(a)(5) of the Act by unilaterally altering plant visitation and access rules. See ALJ Decision, pg. 26:1-28:26.
6. The ALJ's decision was in error because the unilateral change to plant visitation and access rules was not material, substantial and significant as the change did not impact the Union's ability to perform its representational duties. See Respondent's Brief in Support of Exceptions, pg. 14-16.
7. Respondent excepts to Conclusions of Law 3(a)-(d) and 4(c)-(i).
8. Respondent excepts to the "remedy" in its entirety. See ALJ Decision, pg. 29:31-30:11.
9. Respondent excepts to the "order" in its entirety. See ALJ Decision, pg.30:15-31:30

Respectfully submitted,



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Dated: April 10, 2015

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of April, 2015, I caused to be filed a true and correct copy of the foregoing Exceptions with accompanying Brief to be filed via the NLRB's official Electronic Case Filing system. By virtue of this filing, as well as the emailing of an electronic copy of the same, service is complete upon the following:

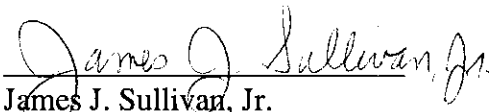
E-File:

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